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REMARKS

I. INTRODUCTION

In response to the Office Action dated March 12, 2007, please consider the following remarks.

II. STATUS OF CLAIMS

Claims 1-38 are pending in the application.

Claims 1-3, 6, 7, 9-11, 13, 14, and 34-36 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,883,677 to Hofmann, and U.S. Patent No. 5,867,207 to Chaney et al. (Chaney) and U.S. Patent No. 6,434,384 issued to Norin et al. (Norin) and these rejections are being appealed.

Claims 4, 5, and 12 were rejected under 35 U.S.C. §103(a) as being obvious in view of Hofmann, in further view of Chaney, Norin and U.S. Patent No. 6,133,910 to Stinebruner.

Claims 8 and 15 were rejected under 35 U.S.C. §103(a) as being obvious in view of Hofmann, in further view of Chaney, Norin, and U.S. Patent No. 6,401,242 to Eyer et al. (Eyer).

Claim 16-18, 20, 21, and 37 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,072,983 to Klosterman, in further view of Chaney and Norin.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman, in further view of Chaney, Norin, and Stinebruner.

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in further view of Chaney, Norin, Stinebruner, and Eyer.

Claims 23-28, 31, 32, and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in further view of Chaney and Norin.

Claims 29-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in further view of Chaney, Norin, and Stinebruner.

Claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in further view of Chaney, Norin, and Eyer.

III. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-3, 6, 7, 9-11, 13, 14, and 34-36 are patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,883,677, issued to Hofmann (hereinafter, the Hofmann reference) in view of U.S. Patent No. 5,867,207, issued to Chaney (hereinafter, the Chaney reference) in view of U. S.

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Patent No. 6,434,384, issued to Norin et al. (hereinafter, the Norin reference).

Whether claims 4, 5, and 12 are patentable under 35 U.S.C. §103(a) over Hofmann in view of Chaney, Norin and Stinebruner.

Whether claims 8 and 12 are patentable under 35 U.S.C. §103(a) over Hofmann in view of Chaney, Norin, and Eyer.

Whether claims 16-18, 20, 21, and 37 are patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney and Norin.

Whether claim 19 is patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Stinebruner.

Whether claim 22 is patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, Stinebruner, and Eyer.

Whether claims 23-28, 31, 32, and 38 are patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney and Norin.

Whether claims 29-30 are patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Stinebruner.

Whether claim 33 is patentable under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Eyer.

IV. ARGUMENT

A. The Independent Claims Are Patentable Over The Prior Art

1. The Hofmann Reference

A method and apparatus for managing multiple outside video service providers. A method and apparatus for receiving, organizing and presenting program information to a display device in a home from at least two outside sources such as CATV, telephone companies (TELCOs) and direct broadcast satellite (DBS) is disclosed. A distribution network is established within the home using, for example, a consumer electronics bus (CEBus). First, a plurality of signals each from a different outside source and each being associated with information for constructing a program information database for the respective source are received. Next, the separate streams of program information for each outside source are integrated into a single merged database, entries of which can be accessed as a function of user supplied criteria. Additionally, information may be appended to each record of the entries in the separate streams of program information which indicate source

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and/or cost, and, finally, the information contained in the merged database is presented via the CEBus to a user for viewing and function selection.

2. The Chaney reference

A program guide in a digital video system. A digital video system receives a digital bitstream representing video and audio information and containing a plurality of packetized data programs in a data format and includes data units related to the selection of individual programs and individual packetized datastreams associated with a program. The system includes a first processor responsive to the bitstream for capturing program guide information and a second processor responsive to the bitstream for capturing selected program data. The program guide data includes a base data unit for selecting a first program and a second data unit of predetermined offset to the base data unit for selecting a second program. The second processor captures program data by capturing data with identifiers matching an identifier determined from the data units.

3. The Norin reference

A non-uniform multi-beam satellite communications system and method. A satellite broadcast system and method, particularly useful for television signals, allows for local as well as nationwide broadcast service by allocating greater satellite resources to the more important local service areas. This is accomplished by broadcasting a non-uniform pattern of local service beams and designing the system to establish different service area priorities through factors such as the individual beam powers, sizes, roll-off characteristics and peak-to-edge power differentials. Frequency reuse is enhanced by permitting a certain degree of cross-beam interference, with lower levels of interference established for the more important service areas.

4. The Eyer reference

An apparatus and method for integrating a plurality of video sources. A video system utilizes a "virtual tuner" that integrates signals from multiple video sources to provide a plurality of "virtual channels", each of which has both a video source and a channel associated with it. When a virtual channel is selected, the correct video source is selected and tuned to the correct channel automatically. The virtual tuner may be embodied in a television

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or in a separate electronic component coupled thereto, such as a direct broadcast satellite receiver. Alternatively, the video system may be embodied in a universal remote control which is capable of outputting multiple signals to multiple devices in response to a key depression, using either one or two signal transmitters. Channel information may also be downloaded or obtained from a database, for example, to customize an electronic component to receive local broadcast channels.

5. The Klosterman reference

A merging multi-source information in a television system. The present invention provides a scheme for margin television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

6. The Stinebruner reference

An apparatus and method for integrating a plurality of video sources. The present invention provides a scheme for margin television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

B. Claims 1-3, 6, 7, 9-11, 13, 14, and 34-36 are Patentable Under 35 U.S.C. § 103(a) over Hofmann in view of Chaney and Norin.

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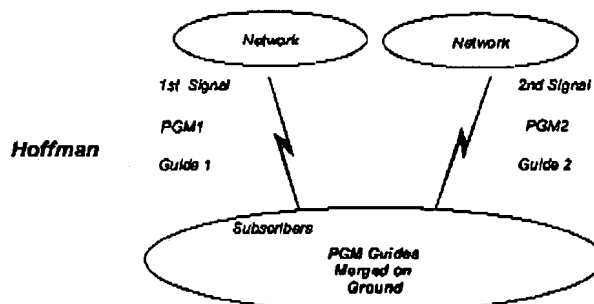
With Respect to Claim 1: Claim 1 recites:

In a network broadcasting a first signal having a first set of programs and not a second set of programs to a plurality of subscribers and a second signal having the second set of programs, a method of providing program guide information describing the second set of programs, comprising:

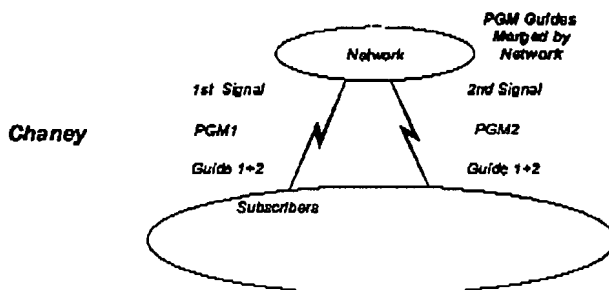
broadcasting first program guide information from the network, the first program guide information describing the first set of programs and not the second set of programs to the subscribers on a first service channel on the first signal; and

broadcasting second program guide information from the network, the second program guide information describing the second set of programs to a subset of the subscribers on the first service channel on the second signal, wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal.

Hofmann discloses a system in which two different networks transmit two different program streams to the same receiver using two different signals. Each signal includes program guide information describing the programs on that signal. Hofmann teaches a system where those two program guides are merged. A conceptual diagram of Hofmann's teaching is shown below:



Chaney discloses a system wherein both signals come from the same network, and the program guides are merged by the network and sent to the subscribers, as shown below:



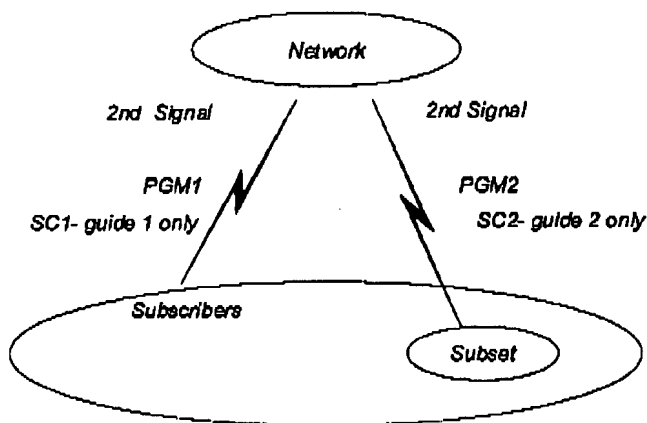
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Norin is not directed to program guides at all. Like Chaney, it discloses transmitting different program material in different beams. Unlike Chaney, Norin teaches that the beams may include spot beams.

The question therefore is what the references teach. The Applicants assert that taken together, the references teach this: (1) that if the two signals are transmitted by the same network (as in Chaney), they should be combined (e.g. Guide 1+2) and transmitted together on both of the first and the second signals; and (2) if the two signals are transmitted by different networks, the program guide for each signal should be transmitted to the subscriber, and merged to present a unified program guide (as in Hofmann). The Applicant's invention is novel and non-obvious over this prior art because it does neither.

Instead of receiving program guide information on separate channels of separate signals (Hofmann), or transmitting a MPG on a single channel having all the program guide information for both the first and second set of programs (Chaney), the Applicant's invention broadcasts first program guide information describing only the first set of programs on the first signal and transmits the program guide information describing the second set of programs on the second signal, and on the same service channel (in other words, *different program guides are transmitted on the same channel*).



Chaney teaches transmitting the same (merged) program guide on the same channel, but this teaches away from transmitting *different* program guides on the same channel. Hofmann does not mention which channel the program guides are transmitted on at all.

It might be argued that the in foregoing statements, the Applicant is arguing the references separately, and not combined. However, Hofmann and Chaney teach fundamentally different systems ... one in which the two signals are transmitted by the same system and one in which they are not. Consequently, they arrive at entirely different solutions to the problem of providing

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program guides to the user. Any attempt to somehow combine these two systems ignores the fact that they are fundamentally different and incompatible.

The Final Office Action argues:

Applicant's arguments stating that, "claim 1 recites that the first program guide information and the second ID program information are transmitted by the same network, however Hofmann discloses that signals are broadcast by two different networks" (see Remarks page 13) have been noted. While Hofmann discloses the signal broadcast by two different networks, Hofmann primarily illustrates receiving from at least two different sources at a receiver, wherein one source comprises a broadcast satellite source. Norin discloses broadcasting local television and larger regional broadcast independently over satellite broadcast. Norin therefore extends the plurality of signal sources being independent satellite broadcast sources. Since, the two broadcasts of Norin are over a common delivery system (satellite delivery system), the modified system discloses transmitting the first program guide and second program guide by the same delivery system and therefore same network.

It appears as if the Final Office Action argues that Hofmann discloses signals broadcast by two different networks, and Norin, teaches that different signals can be transmitted by the same network. However, Chaney also teaches transmitting two different signals by the same network.

Again the point is that Hofmann and Chaney disclose basic solutions to the problem of getting a program guide down to a user. The solutions differ because the system architectures are fundamentally different (transmitted from a single network as opposed to a plurality of networks).

The Final Office Action also argues:

Also with regards to applicant's arguments on combination of the Hofmann, Chaney and Norin references (see Remark, page 13-14), the Chaney reference has been relied upon for the teaching that service channel on which a program guide is transmitted can be assigned a specific SCID, thereby enabling SCIDs of program guides on a plurality of a signal sources to be that specific SCID.

The above passage merely indicates that it is known to transmit program guides on channels identified by SCIDs. Chaney also shows that it is known to transmit the same program guide (Guide 1+2 above) on the same SCID. However, in the system described in claim 1, *different* program guides are transmitted on the same SCID.

Accordingly, the Applicants respectfully disagree that combination of references fairly teaches the Applicant's invention, and disagree that there is a teaching to combine the reference together to arrive at the Applicant's invention.

Claim 9 recites analogous features from the receiver's perspective, and is patentable on the same basis. Claim 34 recites analogous features to those of claim 1, and is patentable on the same basis.

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Claims 2-3, 6, 7, 10, 11, 13, 13, 14, 35 and 36 depend on claims 1, 9, 16, 23, and 34, respectively, and are patentable on the same basis.

C. Claims 4, 5, and 12 are Patentable Under 35 U.S.C. §103(a) over Hofmann in view of Chaney, Norin, and Stinebruner.

Claims 4, 5 and 12 are rejected under 35 U.S.C. §103(a) as unpatentable over Hofmann in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the reasons described above. Also, while Stinebruner describes blank channels, it does not describe program guide describing a surrogate channel or anything analogous to it.

D. Claims 8 and 15 are Patentable Under 35 U.S.C. §103(a) over Hofmann in view of Chaney, Norin, and Eyer.

Claims 8 and 15 under 35 U.S.C. §103(a) are rejected as unpatentable over Hofmann in view of the Chaney, Norin and Eyer. Applicants respectfully traverse these rejections for the reasons described above with respect to the related independent claims.

Further, the Applicants note that the Office suggests that it is proper to combine Hofmann, Chaney, Norin, and Eyer. The Applicants' disagree. Recalling that the Office relied on Norin to argue that it was known in the prior art to transmit two separate signals (and one of them a spot beam), it is could hardly be expected that that second signal or spot beam would be used by the same network to duplicatively transmit the same information (the portion of the first set of programs) to subscribers that are already receiving the program material via the primary beam. In other words, one skilled in the art would be disincentivized from transmitting the same information with both beams. Accordingly, the Applicant cannot agree with that one of ordinary skill in the art would be motivated to combine the foregoing reference as described.

E. Claims 16-18, 20, 21, and 37 are Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney and Norin.

With Respect to Claim 16: Claim 16 recites:

*A receiver, comprising:
a user interface for accepting subscriber commands;
a tuner selectably configurable to receive a first service channel on a first signal broadcast from a network and the first service channel on a second signal broadcast from the network, the first signal*

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comprising a first set of programs and first program information describing the first set of programs but not a second set of programs, and the second signal comprising the second set of programs and second program guide information describing the second set of programs;

wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal; and

a processor, communicatively coupled to the user interface and the tuner, for retrieving the first program information and the second program information for providing the first and second program information to a presentation device, and for accepting subscriber commands from the user interface.

The Office acknowledges that Klosterman does not teach transmitting first and second program material on the same service channel, but argues that Chaney does so. Indeed, Chaney does. But Chaney discloses a system wherein the same program guide information is transmitted in both the first and second signals on that service channel (see above). Claim 16 recites that the first program information describes the first set of programs but not a second set of programs. Chaney teaches transmitting program guide information regarding the first and the second set of programs on the single channel.

Also, like Hofmann, Klosterman is directed to a system that receives program material from different and independent networks (CATV, satellite) and combines them at the receiver, whereas Chaney is directed to a system wherein a single network providing all the program information, but on different transponders. Simply put, there would be no reason for one of ordinary skill in the art to modify Klosterman as described in Chaney because they are directed to two different problems. That is because Klosterman envisions a system whereby the programs are received from different networks (and hence, there is some overlap between programs and a need to integrate the program guide information at the receiver) and Chaney is directed to a system wherein the programs are received from the same network and wherein the program guide information from all signals is consolidated into a single MPG before transmission.

The Office Action's rationale for combining the references (providing global and local programming while minimizing interference between different programming streams and providing an efficient use of satellite capacity) does not seem to provide motivation for the same reason as described above in reference to claim 1. If providing global and local programming (Norin) within different networks were the goal one of ordinary skill in the art would be motivated to follow Klosterman. If providing global and local programming (Norin) within the same network were the goal, one of ordinary skill in the art would be motivated to follow Chaney (but no longer Klosterman).

Claims 17-18, 20, 21 and 37 are patentable for the same reasons.

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F. Claim 19 is Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Stinebruner.

Claim 19 is rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the same reasons as described above with respect to claim 16. and claim 4.

G. Claim 22 is Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, Stinebruner, and Eyer.

Claims 22 is rejected under 35 U.S.C. §103(a) are rejected as unpatentable over Klosterman in view of the Chaney, Norin, Stinebruner and Eyer. Applicants respectfully traverse these rejections for the reasons described above with respect to claims 8 and 15.

H. Claims 23-28, 31, 32, and 38 are Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney and Norin.

Claims 23-28, 31, 32 and 38 are under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney and Norin.

Claim 23 recites "a first transmitter, communicatively coupled to the compiler, for transmitting first program guide information describing the first set of programs and not the second set of programs on a first service channel on the first signal; and a second transmitter, communicatively coupled to the compiler, for transmitting the second program guide information describing the second set of programs on the first service channel on the second signal." For the reasons above with respect to claims 1 and 16, the Applicants respectfully disagree that these features are disclosed in the references of record.

Claims 24-28, 31, 32, and 38 are patentable for the same reasons/

I. Claims 29-30 are Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Stinebruner.

Claims 29-30 are under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the same reasons described with respect to claims 4, 5, 12, and 19.

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J. Claim 33 is Patentable Under 35 U.S.C. §103(a) over Klosterman in view of Chaney, Norin, and Eyer.

Claim 33 is rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Eyer. Applicants respectfully traverse these rejections for the same reasons described in claims 8, 15, and 22.

V. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Date: May 11, 2007

By: 

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